

DIVISION 600. SPECIAL PURPOSE DISTRICTS

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Chapter 610. Manufactured Home Park Overlay Zone (O-MHP)

610.010 District Established

The Manufactured Home Park Overlay Zone hereby established is provided for the designation of areas within selected residential zones within which Class A Manufactured Homes may be located. When the regulations and standards of this Section are met, the suffix O-MHP is attached to a base residential zone on the Town's Official Zoning Map. Without an O-MHP designation, a Manufactured Home cannot be placed in any residential zone except where more specifically authorized. Such O-MHP designated districts may not consist of an individual lot or scattered lots, but shall consist of a defined area of not less than two acres, and must conform to the requirements for conventional residential subdivisions as set forth in DIVISION 1100, as well as those contained herein.

610.020 Purpose and Intent

This Section is established to provide alternative, affordable housing opportunities for Town of Indian Trail and its planning jurisdiction by permitting the use of Manufactured Homes in selected single-family residential zoning districts, subject to the requirements set forth herein.

610.030 Rezoning Procedures

The Town shall process Manufactured Home Park Overlay district rezoning requests in the same manner as set forth by Chapter 320 for all other rezoning requests.

610.040 General Provisions and Regulations

- A.** Manufactured homes shall be used for residential purposes only.
- B.** All manufactured homes shall be served with a public water supply and sanitary sewer.
- C.** Maximum density shall be 6 units per acre with a minimum of 5,000 square feet of ground area per unit; units shall be at least 20 feet apart.
- D.** Each unit shall have a garage, or an accessory storage building, and an enclosed trash receptacle screened from view from the internal driveways and public streets.
- E.** Driveways and parking pads shall be hard-surfaced.
- F.** Each home must be placed on a permanent stand in accordance with standards set by the North Carolina Department of Insurance.
- G.** Each home must have a patio or deck of at least 180 square feet that is installed on a permanent platform or concrete base.
- H.** Each manufactured home park or subdivision shall include outdoor recreation areas with playground equipment equal to 10 percent of the gross acreage of the development; a community building is required for a mobile home park of 100 or more units.
- I.** Each mobile home park or subdivision may have one low-profile identification sign 64 square feet in size.
- J.** Minimum parcel size is 5 acres.
- K.** Private roads shall be improved to be consistent with the Town of Indian Trail engineering design standards or the North Carolina Department of Transportation standards for streets.

- L. Installation of a 20 foot landscaping buffer on all boundaries of a mobile home park.
- M. A subdivision plat shall be recorded to establish lots, utility easements, and public or private streets.

610.050 Additional Requirements

Structures within a district suffixed as a Manufactured Home Park District Overlay (O-MHP), must conform to the applicable parking, landscaping, tree planting and other requirements of this Unified Development Ordinance.

Chapter 620. Goose Creek Overlay District

620.010 District Established

The Goose Creek Overlay district regulations contained herein are intended to limit the exposure of Goose Creek to the cumulative and secondary impacts of development. These impacts include increased storm water runoff from built upon areas, altered hydrographic conditions, nutrient loading and pesticide contamination from point and non point sources.

620.020 Effect of O-GC District Designation

The O-GC district is applied in combination with (“overlying”) existing base zoning districts and has the effect of modifying the requirements, regulations and procedures applying in the applicable base-zoning district to the extent expressly indicated in this section.

A. Applicability

This Chapter applies to all new development within the boundaries Goose Creek corridor as defined. No development may occur on a property that falls in part or whole within this creek corridor except in accordance with this article.

B. Exemptions

This Chapter does not apply to land or to development which:

1. Is part of an approved final plat, preliminary plat, or approved site plan where such approval was granted before December 31, 2008.
2. Is covered by an unexpired zoning compliance permit issued before December 31, 2008 in accordance with the Town of Indian Trail zoning ordinance in effect prior to the effective date of this UDO.
3. State, county or Town sponsored projects designed for the purpose of stream restoration, flood protection, or environmental monitoring.

C. O-GC District Boundaries

The boundaries of the O-GC District extend 200 feet from the water’s edge on both sides of Goose Creek. The water’s edge will be defined by the high water mark along the banks of the Creek or will be based on maps of the Creek’s floodway as defined in floodplain maps maintained by Union County.

D. Water Quality Management Plan Required

1. A buffer plan approved by the Town Council is required for all projects where development or redevelopment is to occur on property that includes or is within 100 feet of the Creek’s stream bed except for projects and land uses specifically exempted by Section 620.020B.

2. Buffer plans must be submitted at the time of preliminary plat or site plan review.

E. Buffer Areas Required

1. Those portions of Goose Creek mapped as perennial streams shall have a 200-foot undisturbed buffer and areas of intermittent streams shall have a 100-foot undisturbed buffer adjacent to surface waters in the Goose Creek Watershed. Buffer widths shall be measured horizontally on a line perpendicular to the surface water, landward from the top of the bank on each side of the stream. For the purposes of this ordinance a stream shall be present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). Buffers adjacent to surface waters that do not appear on either of the aforementioned maps shall not be subject to this ordinance.
2. Buffer widths may be averaged across the affected property. In no case shall less than a 50 foot wide buffer be maintained.
3. Required buffers shall be reflected on all subdivision plats created following the adoption of this Section.
4. Boundary markers must be installed prior to issuance of final development permits. Construction fencing must be placed at the outer edge of the buffer to delineate the stream protection zone and such fencing shall be maintained throughout the project construction.

F. Flood Plain Protection

No fill operations, dredging or other disturbance shall be allowed within flood plains, as defined on the most recent Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), except for artificial stream bank or shoreline stabilization, water dependent structures and public or private projects such as roads, utilities or greenways where no practical alternatives exist. Permitted activities within designated flood plain areas shall be designed to minimize impacts on the flood plain to the greatest extent practicable by minimizing impervious coverage, maximizing preservation of existing vegetation, minimizing placement of fill materials, directing runoff away from surface waters and maximizing the utilization of storm water best management practices.

G. Buffer Management and Maintenance

The required Creek buffer, including wetlands and floodplains within the buffer, must be managed and maintained. Management includes specific limitations on the alteration of the natural condition of these environmentally sensitive areas. The following practices and activities are prohibited within the buffer, except with the approval of the Town Council:

1. Clearing of existing vegetation.
2. Soil disturbance by grading, stripping, and other practices.
3. Filling or dumping.
4. Drainage by ditching, underdrains or other systems.
5. Use, storage, or application of pesticides.

630.010. District Established

6. Housing, grazing, or other maintenance of livestock.
7. Outdoor storage or salvage of motorized or non-motorized vehicles.
8. The construction of roads, bridges, and utilities. The Town Council will approve such improvements provided that the proposed right-of-way is the minimum necessary for traffic flow and safety.

H. Appeals

Appeals from the buffer area requirements of this Section may be granted when an on-site determination shows that the creek is not present. When a landowner believes that the USDA or USGS stream buffer delineation maps described in this Section inaccurately depict the creek, he or she shall request a determination from the Storm Water Administrator. Such determinations shall be made by the Storm Water Administrator based on an on-site evaluation using the U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology for stream delineation. Such determinations can also be made at the discretion of the Storm Water Administrator in the absence of a request from a landowner or other concerned party. The buffer requirements of this ordinance shall apply based on determinations made by the Storm Water Administrator. Surface waters that appear on the maps shall not be subject to this ordinance if an on-site determination by the Storm Water Administrator shows that they fall into one of the following categories:

1. Ditches and manmade conveyances other than modified natural creeks or streams.
2. Manmade ponds and lakes that are not intersected by a buffered creek segment and that are located outside natural drainage ways.
3. An ephemeral (storm water) portion of the creek.

Chapter 630. Village Center Overlay Zone (O-VC)

630.010 District Established

The Village Center Overlay Zone is hereby established to provide for the designation of areas within the Town where mixed-use centers may be established. Village Center Overlay Districts may be established with different mixes of land uses and different densities consistent with the broad guidelines established by the Comprehensive Plan. The location of Village Center Overlay Districts will be consistent with the locations identified in the Comprehensive Plan.

B. Applicability

This Chapter applies to all new development within the boundaries Village Center Overlay Zone as defined within the Indian Trail Comprehensive Plan. No development may occur on a property that falls in part or whole within this overlay zone unless in accordance with this article.

A. Exemptions

This Chapter does not apply to land or to development which:

1. Is part of an approved final plat, preliminary plat, or approved site plan for a commercial center where such approval was granted before December 31, 2008; or

2. Is covered by an unexpired zoning certification permit issued before December 31, 2008 in accordance with the Town of Indian Trail zoning ordinance in effect prior to the effective date of this UDO.

630.020 Purpose and Intent

This Chapter is intended to implement the Town of Indian Trail Comprehensive Plan that calls for the establishment of village centers at strategically located intersections within the Town. The purpose of this Chapter is to create a classification consistent with the Town's comprehensive plan. It is also the purpose of this Chapter to establish a classification that allows for mixed residential and commercial development that meets a higher standard of design and site planning.

630.030 Rezoning Procedures

The Town shall process Village Center Overlay Zone district requests in the same manner as set forth by Chapter 320 for all other rezoning requests.

630.040 Development Standards

The following standards apply to buildings located on lots fronting public or private collector roads, boulevards, or thoroughfares.

- A. Parking lots must be located at the side or rear of buildings. No parking lots may be located at the front of commercial or residential buildings.
- B. Where parking lots are located at the side of buildings such parking areas must meet the perimeter landscaping requirements of Section 810.180
- C. At least 60% of a building's front façade that faces a street or sidewalk must be transparent (windows and doors) between an elevation of 4 feet and 10 feet above grade.
- D. Dry-it (EIFS) is not permitted as the primary building material and metal buildings are also prohibited. Buildings will meet the design standards of 1320.020.

630.050 Additional Requirements

- A. Village Centers will incorporate pedestrian improvements that connect all building and uses consistent with the requirements of Section 810.200.

Chapter 640. Downtown Master Plan Overlay District

640.010 District Established

The Downtown (DOD) Overlay District is hereby established to encourage the development of a mixed-use, pedestrian-oriented downtown business district, with retail, financial, service, office, governmental, cultural and entertainment uses, along with residential options. Within this district, the applicant may use property in accordance with the Table of Permissible Uses for the Downtown Master Plan Overlay District.

640.020 Purpose and Intent

This Section is intended to implement the Town of Indian Trail's Downtown Master Plan that calls for development of a downtown mixed-use center.

640.030 Development Standards

- A.** Minimum Standards and criteria are set forth herein and within the adopted Downtown Master Plan, land development standards, and comprehensive plan.
- B.** All projects within the Downtown Master Plan Overlay District shall provide open space as follows:
- C.** Downtown Overlay District Open Space Requirements:

Type of Development	Density	Minimum Open Space/ Gross Lot Area
Residential Developments	Single-Family	25%
Residential Developments	Multiple-Family	35%
Commercial/Office		15%
Mixed Use		15%

Open Space is defined as Parks, Greenways, Playgrounds, Attached and Detached Squares, Plazas, Forecourts, and Green Roofs.

Chapter 650. Flood Plain and Floodway Overlay District

650.010 Location of Boundaries of Floodplain and Floodway Districts

As used in this Section, the terms floodplain and floodway refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms. These terms also refer to overlay zoning districts floodplains shown on the maps referenced in Section 140.010, which boundaries are intended to correspond to the actual, physical location of floodways and floodplains. Therefore, the administrator and Town engineer are authorized to make necessary interpretations as to the exact location of the boundaries of floodways or floodplains if there appears to be a conflict between a mapped boundary and actual field conditions. Such interpretations, like other decisions of the administrator, may be appealed to the board of adjustment in accordance with the applicable provisions of this ordinance.

650.020 Construction within Floodways and Floodplains Restricted

See the rules and regulations of Chapter 1140.

650.030 Setbacks from Streams outside Designated Floodplains

In any area that is located outside a designated floodplain but where a stream is located, no building or fill may be located within a distance of the stream bank equal to twenty feet on each side.

Chapter 660. Planned Unit Development District Standards

Planned unit developments are permissible only on tracts of at least five contiguous acres and shall require Town Council approval of a Conditional Zoning District. The general review procedures and criteria in Chapter 330 shall apply.

660.010 Required Development Mix

All PD development shall adhere to the following maximum percentages of listed land uses:

Land Use	Maximum Percentage
Detached Single-Family Residential	No limit.
Attached Single-Family Residential	40
Two Unit Residential and Multifamily	40
Public, Civic, and Institutional	15
Commercial, Office, and Retail	15

660.020 Planned Unit Development Master Plan

The proposed Planned Unit Development Master Plan shall indicate the particular portions of the lot that the developer intends to develop for each of the elements described above. See Chapter 330 for the information and analysis required as part of the submittal for PD approvals. In addition the PD Master Plan must also illustrate:

- A. neighborhood character and identity; and
- B. a mixture of land uses, including commercial and residential.

660.030 Nonresidential Development Restrictions

The nonresidential portions of any Planned Unit Development may not be occupied until all of the residential portions of the development are completed or where the phase is completed within a phased development project. The intent of this provision is to ensure that the Planned Unit Development procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential, development.

660.040 Perimeter Setback Required

A minimum 25-foot setback along the entire development perimeter is required, except where single-family residential lots on lots of the standard required square footage of the district in which they are located abut a similar single-family development. The setback from any street bordering the PD tract is 35 feet unless a greater setback is required by this UDO.

660.050 Building Separation

A minimum separation between single-family and multifamily buildings of 60 feet is required. Building to building relationships are otherwise specified the setback and yard requirements of this UDO.

660.060 Screening and Buffering

No required buffer shall be intruded on by any building, parking area or access drive. Reservation of significant natural features shall be documented in the required permit application materials, along with landscaping appropriate to the site, uses and building locations.

660.070 Common Recreation and Open Space

A minimum of 25 percent of the gross land area in the PD Master Plan shall be reserved for common recreation area and/or usable open space.

660.080 Deviations

Any requested deviation from the standards otherwise applicable in this UDO shall be set forth in the documentation approved as part of the Conditional Zoning request.

Chapter 670. Traditional Neighborhood Development (TND) Standards

Traditional neighborhood development is an option provided to encourage a compact housing within a comprehensively planned development that incorporates the principles of new urbanism. Traditional neighborhood developments are permissible only on tracts of at least 40 contiguous acres. Request to develop a TND will be processed as a Conditional Zoning District in accordance with Chapter 330 of this UDO. The following general standards and criteria shall also be met:

A. TND Master Plan

In addition to the requirements in Chapter 330, the TND Master Plan shall illustrate:

1. a town center which is memorable with a square, green and/or transit stop, with retail and office uses connected to the mix of residential uses in a practical way;
2. conformance with a general development pattern employing a grid pattern for a majority of development, with back alleys and garages and parking at the rear of buildings;
3. identifiable neighborhoods that have a variety of dwelling types;
4. shops and offices located at the edge of the neighborhoods;
5. interconnection of the town center and neighborhoods with pedestrian ways and streetscapes;
6. common areas and meeting places within the general design of development, including churches and schools;
7. relatively narrow streets, with trees and sidewalks on both sides;
8. a network of open space serving the entire development and providing internal connections within the project;
9. prominent sites reserved for civic and other important community buildings; and
10. resulting land use patterns that promote and expand opportunities for pedestrian activity, public transportation and an efficient compact network of streets.

B. Perimeter Setback Required

A 25-foot setback along the entire development perimeter is required, except where single-family homes on 12,000 square foot lots abut similar development. Any required screening and buffering, as provided for in DIVISION 800, Landscaping Standards, shall be within this perimeter setback. Parking and access drives may encroach within the perimeter setback but not by more than 10 feet and then only within the ten feet farthest from the development perimeter.

C. Screening and Buffering

The screening requirements that would normally apply where a multifamily development adjoins a single-family development shall not apply within the traditional neighborhood development, but all screening requirements shall apply between the development and adjacent lots. Preservation of significant natural features shall be documented in the required permit application materials, along with landscaping appropriate to the site, uses and building locations.

D. Public Facilities

1. The TND Master Plan shall establish public squares and meeting places that connect uses.
2. The development may deviate from the Town's road width standards, so the development achieves installation consistent with neo-traditional or new urban design principles as deemed appropriate by the Town Council.

E. Common Recreation and Open Space

A minimum of 35 percent of the gross land area in the TND Master Plan shall be reserved for common recreation and usable open space.

F. Minimum Building Separation

Minimum building separation is specified and approved as part of the project development plan.

G. Traditional Neighborhood Development Guidelines

1. A central community gathering place, surrounded by civic and nonresidential or mixed uses should be developed as focal point of the development.
2. Residential densities in a traditional neighborhood development should range from five to eight single family units per net acre, and from 15 to 25 multifamily units per net acre.
3. Single-family homes with accessory dwelling units, as defined in DIVISION 1600, may make up to ten percent of the housing stock of the development.
4. Blocks within the development should range from 200 to 400 feet deep, and 400 to 800 feet long.
5. A hierarchy of streets should be developed that includes collectors with two 12-foot travel lanes, subcollectors with two 10-foot travel lanes, local streets with two 10-foot lanes, and alleys with one 12-foot lane.
6. Shared parking is encouraged, and a base ratio of one space per 500 square feet of mixed use development should be applied.
7. Architectural standards should be incorporated that are responsive to the community's context. The standards should include site design issues such as building orientation and location on the site, location of parking areas, and mixing of uses.

H. Deviations

Any requested deviation from the standards otherwise applicable in this UDO shall be set forth in the documentation approved by the Town Council as part of the Conditional Zoning Request.

Chapter 680. Mixed Use Development (MXD) Development

Mixed use developments are permissible only on tracts of at least 10 contiguous acres for residential and 25 acres for non-residential mixed use development. These developments shall be processed as a Conditional Zoning District pursuant to Chapter 330 and subject to the following standards:

A. Required Development Mix

A minimum of three of the use categories listed below shall be included in any MXD District:

1. Flex Space;
2. Office/Institutional;
3. Research, technology, and industrial;

4. Commercial;
5. Cultural; and
6. Residential (Maximum of 50 percent of MXD, and then, at no more density than permitted in Section 510.040B for MFR. No detached single-family residential is permitted).

B. MXD Master Plan

The proposed Mixed Use Development Master Plan shall indicate the particular portions of the lot that the developer intends to develop for each of the elements described above. See Section 330.020 for the information and analysis required as part of the submittal for MXD approvals.

C. Perimeter Setback Required

A minimum 50-foot setback along the entire development perimeter is required unless located within the Downtown or Village Center Overlay Districts. The setback from any street bordering the MXD tract shall be 35 feet unless a greater setback is required by this UDO.

D. Building Setback and Separation

Building setbacks and building to building relationships are otherwise specified in Section 520.030.

E. Screening and Buffering

No required buffer shall be intruded on by any building, parking area or access drive. Screening and buffering between uses within the MXD shall be in conformance with DIVISION 800, Landscaping Standards. Reservation of significant natural features shall be documented in the required permit application materials, along with landscaping appropriate to the site, uses and building locations.

F. Public Facilities

Where residential uses are proposed, the MXD Master Plan shall establish public squares and meeting places that connect uses.

G. Common Recreation and Open Space

A minimum of 5 percent of the gross land area in the MXD Master Plan shall be reserved for common recreation and usable open space unless otherwise stated herein this UDO.

H. Mixed Use Guidelines

1. The mixed use development should contain some buildings that are vertically mixed in use.
2. Retail uses should be placed at street level, while office and residential uses should be placed in the rear or on the upper stories.
3. Any limitation on residential density should be a function of parking demands, vehicular traffic generation, adequate utility service, building height, and lot coverage.
4. Streets should interconnect within the development and with adjoining development. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.
5. Mid-block and rear alleys should be utilized for access to parking, service and loading areas to minimize the number of driveways along the main pedestrian spaces.

6. To facilitate transit usage and circulation, mixed use development should provide transit stops at key nodes with easy access to the surrounding thoroughfares along routes through the development planned to accommodate the technical requirements of bus operations.
7. Locate buildings close to the street, with parking behind and/or beside buildings. If the building is located at a street intersection, place the main building, or part of the building, at the corner. Parking, loading or service may not be located at an intersection.
8. Pedestrian circulation should be an integral part of the initial site layout. Organize the site so that the buildings frame and reinforce pedestrian circulation, and so that the pedestrians walk along building fronts rather than along or across parking lots and driveways.

I. Deviations

Any requested deviation from the standards otherwise applicable in this UDO shall be set forth in the documentation approved by the Town Council as part of the Conditional Zoning request.

Chapter 690. Pre-existing Development Overlay District

690.010 District Established

The Pre-existing Development overlay zoning districts have been created to apply to Planned Residential Developments (PRDs), Planned Unit Developments (PUDs), Planned Neighborhood Developments (PNDs), or Conditional Use Districts (CUDs) that were authorized prior to the adoption of this UDO.

Previous Zoning Designation	UDO Designation
R-20 -Planned Unit Development	PED Overlay1
R-20 - Planned Residential Development	PED Overlay2
R-20 – Planned Neighborhood Development	PED Overlay3
Conditional Use Districts	PED Overlay4

690.020 Purpose and Intent

This intent of this Section is to provide guidance in applying regulations of this UDO to pre-existing planned developments and conditional use districts approved prior to December 30, 2008. Under the UDO, all such developments have been placed in one or more general use zoning districts, subject to a Pre-existing Development Overlay (O-PED) district that modifies the requirements of the underlying zoning district to reflect as closely as possible the conditions and requirements of the pre-existing development approval. For example, a pre-existing PRD will be zoned SF-2, subject to an O-PED that reduces the front yard setback generally applicable in the SF-2 district from 30 to 25 feet.

690.030 Modifications of Original Permit

Any request for modification of the original permit (PRD, PND, PUD, and CUD) approved prior to the adoption of this permit must be reviewed and considered in accordance with Chapter 330 “Conditional Zoning”.

690.040 Required Development Standards

The properties located within an approved Pre-existing Development overlay zoning districts shall be authorized all privileges for use, development standards, and conditions authorized by the approved permit. Specific development standards for each O-PED is provided in appendix two (2) of this UDO

and within the recorded permit associated with the planned development. Copies of recorded permits may be obtained from the Union County Register of Deeds Office or Indian Trail Planning and Development Department.

Chapter 6100. Mining Overlay District

6100.010 District Established

The mining (M) overlay district is hereby established as a "floating zone" since the precise location of areas within which mineral extraction (including quarrying, open-pit drilling, tunneling, etc.) should be encouraged cannot generally be predetermined. Within this district, the applicant may use property in accordance with the regulations applicable to the underlying zoning district, except that the property may also be used for mining purposes upon issuance of a conditional zoning district by the Town Council in compliance of Chapter 330 and Chapter 7100.

- A.** Before the mining overlay district classification is applied to any property, the applicant for rezone to the conditional zoning district shall first have obtained a mining permit from the appropriate state and federal agencies. A copy of such permit together with such documents as were required to obtain such permit, including, but not limited to, any site plans, operations plans, approved for rezoning. Also attached to the petition for rezoning shall be a written report from a registered mining engineer to the effect that there are minerals located on the property of such a nature and in quantity as to justify commercial extraction.